

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:14-CR-00079-F

UNITED STATES OF AMERICA :
 :
 v. :
 :
 JOSEPH IRVEN POWELL, JR. :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of the Memorandum of Plea Agreement entered into by the defendant, Joseph Irven Powell, Jr., on August 4, 2015, the following property is hereby forfeitable pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), to wit:

Real Property:

All that 14.5 acre parcel of real property with improvements and appurtenances thereto located on Old Smith Chapel Road in Mount Olive, North Carolina, and more particularly described in a deed recorded in Book 1031, Page 844 of the Wayne County Registry

Firearms:

Smith & Wesson 9mm bearing serial number 060085,
Marlin Model 25 .22 rifle serial number 14668057,
Mossberg .308 rifle serial number BA128224,
Mossberg 12 gauge pump shotgun serial number P948277,
.22 caliber revolver serial number 983154,
Black Berretta pistol bearing serial number PY74535,
.22 Springfield rifle serial number unknown,
Model 870 Remington shotgun serial number RS71269,
Ruger .22 cal revolver serial number 69-50702,
Model 710 Remington rifle .243 serial number 71286215, and
AR-15 serial number FH62876

WHEREAS, by virtue of said Memorandum of Plea Agreement and the

defendant's agreement therein, the United States is now entitled to possession of said property pursuant to 21 U.S.C. § 853;

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant, Joseph Irven Powell, Jr., the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual

notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED. This 28th day of October, 2015.



JAMES C. FOX
Senior United States District Judge